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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,020	12/12/2003	Jeffrey Dale Wilson	03WIL2	2470
7590	09/27/2005		EXAMINER	
Patent Law Office P.O. Box 91929 Santa Barbara, CA 93190-1929			CARIASO, ALAN B	
			ART UNIT	PAPER NUMBER
			2875	
DATE MAILED: 09/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

# Office Action Summary

Application No.

10/735,020

Applicant(s)

WILSON ET AL.

Examiner

Alan Cariaso

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-8 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipation by LACROIX (US 4,357,649).

3. LACROIX discloses a hand-held pointer comprising: (a) a housing (2) having an interior chamber and a longitudinal axis (figs.2, 4 & 5); (b) a power source (19-fig.2, col.3, lines 25-28) disposed within the interior chamber of said housing (2); (c) a laser module (10) disposed within said interior chamber of said housing (2), said laser module (10) in electrical communication with said power source (19), said laser module (10) being operable for producing a laser beam, said laser beam being passively dampened (12,16,20) with respect to angular vibration of the housing about at least one axis perpendicular to said longitudinal axis of said housing.

***Allowable Subject Matter***

4. Claims 3-8 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: Claims 3-8 have allowable subject matter not suggested by the prior art of

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record: a gimbal affixed to said housing and said bridge disposed at the center of gravity of said inertial mass.

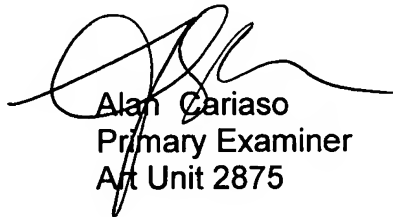
### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. HSUING (US 5,690,418) shows a laser module (2) in a laser modular case (7) bridged to battery case housing (1,10) by connecting plates (5), and balanced on a conical tip (21) supported by rack (3) with legs (4), the battery case (10) being a counterbalance weight or pendulum for the bridged assembly (1,7,5,10). HOLLANDER et al (US 5,727,880) show in fig.6, a laser (412) stabilized by opposing pairs of springs while being induced vibratory rotation, and in fig.11, a laser (1012) supported on pivot (1020) stabilized by opposed upper and lower counterweights (1015A and 1015B) and return spring (1019) against centrifugal force during rotation of the laser. TADOKORO et al (US 5,690,418) show laser diode (1) supported by vibration damping material (21, 24, 29) in casing (11). KOUSEK (US 6,082,875) shows a laser light source (5) secured in a shaft (4) of housing (2), receiving impact force from hammer (H) that limits disengagement, rotation and impact forces (K) from casing (3) to housing (2). WOLF (US 6,805,467), figs.1-2, shows a housing (15) with a laser (28) inside thereof with base portion (14) pivotally supported by a gimbal (50 in fig.1) allowing pivoting about two perpendicular axes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso  
Primary Examiner  
Art Unit 2875

September 24, 2005  
AC